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Order on Second Motion to Show Cause and Renewed Motion to Remove Trustees

Melvin K. Westmoreland

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assets allegedly taken by the Trustees from the Bunzl Trust, including funds taken by the Trustees for their legal defense and funds related to two real estate transactions.

The Beneficiaries' concerns have all been addressed by prior Orders, including the June 10, 2013 Order which "enjoined the Trustees from transferring or otherwise disposing of Bunzl Trust assets" and appointed a receiver, Synovus Trust Company, N.A. (the "Receiver"), to investigate the Bunzl Trust assets and conduct an accounting. Pursuant to that Order the Trustees may not transfer or dispose of Bunzl Trust assets over the objection of the Receiver. As previously stated in the Court's Order dated October 24, 2013, the Court assumes the Receiver will alert the Court to any deficiencies in any party's lack of compliance with its directions. The Beneficiaries have failed to point to any conduct by the Trustees occurring after the June 10, 2013 Order that amounts to a violation of that Order. The constraints placed on the Trustees are sufficient to safeguard the Bunzl Trusts until such time as the Receiver completes its accounting. Accordingly, the Renewed Motion to Remove Trustees is **DENIED**.

Further, the Beneficiaries have not presented any new evidence that warrants freezing the Trustees' assets or ordering reimbursement to the Bunzl Trust prior to the completion of the Receiver's investigation and final adjudication of this case. Otherwise, any additional points raised in the instant motion have been previously considered by the Court and denied. For these reasons, the current motion is **DENIED**.

SO ORDERED this 17th day of April, 2014.


MELVIN K. WESTMORELAND, SENIOR JUDGE
Superior Court of Fulton County
Atlanta Judicial Circuit

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